

**ASSEMBLY BILL**

**No. 326**

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**Introduced by Assembly Member Salas**

February 7, 2017

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An act to amend Section 7362 of, and to add Section 7319.7 to, the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 326, as introduced, Salas. State Board of Barbering and Cosmetology: domestic violence and sexual assault awareness training.

Existing law, the Barbering and Cosmetology Act, establishes the State Board of Barbering and Cosmetology for the licensure and regulation of barbers, cosmetologists, estheticians, manicurists, electrologists, and apprentices. Existing law requires the board to carry out a list of duties, including making rules and regulations, conducting and administering license examinations, issuing licenses to qualified applicants, and disciplining persons who violate the act. Existing law requires the board to admit to a licensing examination an applicant who meets certain qualifications, including having completed one or more approved courses, as specified. Existing law requires the board to determine by regulation the required subjects of instruction to be completed in all approved courses.

This bill would require the board to require an applicant to take a one-hour training on domestic violence and sexual assault awareness as part of an approved course. The bill would require the board to prescribe by regulation the requirements of the training.

Existing law imposes criminal and civil liability on certain professionals, including child care providers, clergy, educators, law enforcement, and medical professionals, for the failure to report child

abuse. Existing law requires any person who reasonably believes that he or she has observed the commission of specified violent crimes against a victim under 14 years of age to notify a peace officer, as defined.

This bill would provide civil and criminal immunity for licensed barbers, cosmetologists, estheticians, manicurists, and electrologists, and their employers, for acting in good faith or failing to act on information obtained during the course of employment concerning potential domestic violence or sexual assault unless otherwise required by law.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 7319.7 is added to the Business and
- 2 Professions Code, to read:
- 3 7319.7. A licensee who completes the domestic violence and
- 4 sexual assault awareness training required by paragraph (2) of
- 5 subdivision (b) of Section 7362, and his or her employer, shall not
- 6 incur civil or criminal liability for acting in good faith or failing
- 7 to act on information obtained during the course of employment
- 8 concerning potential domestic violence or sexual assault unless
- 9 otherwise required by law.
- 10 SEC. 2. Section 7362 of the Business and Professions Code is
- 11 amended to read:
- 12 7362. (a) A school approved by the board is one that is first
- 13 approved by the board and subsequently approved by the Bureau
- 14 for Private Postsecondary Education or is a public school in this
- 15 state, and provides a course of instruction approved by the board.
- 16 However, notwithstanding any other law, both the board and the
- 17 Bureau for Private Postsecondary Education may simultaneously
- 18 process a school's application for approval.
- 19 (b) (1) The board shall determine by regulation the required
- 20 subjects of instruction to be completed in all approved courses,
- 21 including the minimum hours of technical instruction and minimum
- 22 number of practical operations for each subject, and shall determine
- 23 how much training is required before a student may begin
- 24 performing services on paying patrons.

1     (2) *The board shall require an applicant to take a one-hour*  
2 *training on domestic violence and sexual assault awareness as*  
3 *part of an approved course and shall prescribe by regulation the*  
4 *requirements of the training.*

5     (c) Notwithstanding any other law, the board may revoke,  
6 suspend, or deny approval of a school, in a proceeding that shall  
7 be conducted in accordance with Chapter 5 (commencing with  
8 Section 11500) of Part 1 of Division 3 of Title 2 of the Government  
9 Code, when an owner or employee of the school has engaged in  
10 any of the acts specified in paragraphs (1) to (8), inclusive.

11     (1) Unprofessional conduct which includes, but is not limited  
12 to, any of the following:

13     (A) Incompetence or gross negligence, including repeated failure  
14 to comply with generally accepted standards for the practice of  
15 barbering, cosmetology, or electrology, or disregard for the health  
16 and safety of patrons.

17     (B) Repeated similar negligent acts.

18     (C) Conviction of any crime substantially related to the  
19 qualifications, functions, or duties of the owner of an approved  
20 school, in which case, the records of conviction or a certified copy  
21 thereof shall be conclusive evidence of the conviction.

22     (2) Repeated failure to comply with the rules governing health  
23 and safety adopted by the board and approved by the State  
24 Department of Public Health, for the regulation of board-approved  
25 schools.

26     (3) Repeated failure to comply with the rules adopted by the  
27 board for the regulation of board-approved schools.

28     (4) Continued practice by a person knowingly having an  
29 infectious or contagious disease.

30     (5) Habitual drunkenness, or habitual use of, or addiction to the  
31 use of, any controlled substance.

32     (6) Obtaining or attempting to obtain practice in any occupation  
33 licensed and regulated under this chapter, or money, or  
34 compensation in any form, by fraudulent misrepresentation.

35     (7) Refusal to permit or interference with an inspection  
36 authorized under this chapter.

37     (8) Any action or conduct that would have warranted the denial  
38 of a school approval.

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